

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No.: 3:10-CR-160-TAV-HBG
	)	
RANDY KINCAID,	)	
	)	
Defendant.	)	

**ORDER ADOPTING REPORT AND RECOMMENDATION**

This criminal case is before the Court for consideration of the Report and Recommendation (“R&R”) entered by United States Magistrate Judge H. Bruce Guyton on January 14, 2014 [Doc. 209], recommending that this case be certified as extended and complex. Counsel for Defendant Randy Kincaid was appointed pursuant to the Criminal Justice Act (18 U.S.C. § 3006A) and filed a motion [Doc. 201] to declare this case complex and extended for purposes of court-appointed attorney’s fees and requesting interim payments.

The R&R [Doc. 209] indicates four defendants were charged in the twenty-seven-count Superseding Indictment with engaging in a conspiracy to distribute a variety of controlled substances over approximately twenty months during the course of their operation of a pain clinic. Defendant Randy Kincaid was charged in and convicted of twenty-six counts, following a twelve-day trial. The R&R further points out that discovery in this case was voluminous and that appointed counsel for Defendant Kincaid

is a sole practitioner, whose law practice was affected by the representation. Because of the number of defendants, the nature of the charges asserted in the Indictment, and the extensive nature of trial preparation required, it is the opinion of the undersigned that this case meets the definition of “complex” and “extended” and that excess payments may be necessary to provide fair compensation to counsel.

The Court agrees with the Report and Recommendation and hereby **ADOPTS** the same. This Order adopting the Report and Recommendation, along with a copy of the Report and Recommendation and an Order concerning excess and interim payments, approved by the undersigned, shall be forwarded to the United States Court of Appeals for the Sixth Circuit, to the attention of the Chief Judge of the Circuit or the Chief Judge’s designee.

**IT IS SO ORDERED.**

s/ Thomas A. Varlan  
CHIEF UNITED STATES DISTRICT JUDGE